

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

&

THE HONOURABLE MRS. JUSTICE K.HEMA

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

MFA.No. 335 of 2003(B)

ICA.2/2000 of ESI COURT, PALAKKAD

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APPELLANT: APPELLANT:

**A.P.RAJAN,
INSURANCE NO.54-259365, S/O. NAYIDI,
AMBALIPARAMBIL HOUSE, POST KADALUNDI,
KOZHIKODE DISTRICT.**

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS: RESPONDENT:

**EMPLOYEES STATE INSURANCE CORPORATION,
REP. BY ITS REGIONAL DIRECTOR, PANCHADEEP BHAVAN,
NORTH SWARAJ ROAD, THRISSUR-20.**

BY ADV. SRI.TPM.IBRAHIM KHAN

**THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD
ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

J.B.KOSHY & K.HEMA, JJ.

M.F.A.NO.335 OF 2003 ()

Dated this the 16th day of November, 2007

J U D G M E N T

KOSHY,J.

Appellant claimant, contending that he has got an occupational disease allergic rhinitis, applied for disability compensation from the E.S.I.Corporation. The Special Medical Board assessed 10% disability. The appeal filed before the E.I.Court for enhancement of the disability compensation was dismissed and no evidence was adduced and no medical certificate was produced by the petitioner in support of the contention. It is submitted by the petitioner that the medical certificates are available with him and an opportunity may be given to him to produce it. Hence we remand the matter to the E.I.Court for enabling the appellant to produce medical certificates and to adduce further evidence. We are not

expressing any opinion regarding the merits of the appeal.
Parties may appear before the E.I.Court on 17.12.2007. Appeal
allowed by way of remand.

J.B.KOSHY, JUDGE

K.HEMA, JUDGE

prp

J.B.KOSHY & K.HEMA, JJ.

M.F.A.NO.335 OF 2003 (B)

J U D G M E N T

16th November, 2007